

POST-ACCIDENT REPORTING ADVISORY COMMITTEE

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C/O: Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

May 3, 2017

The Honorable Daphne Y. Jefferson

Deputy Administrator

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

Dear Deputy Administrator Jefferson:

The Fixing America’s Surface Transportation Act (FAST Act), Pub. L. 114-94 (Dec. 4, 2015), directed the U.S. Department of Transportation (DOT) to convene a working group to review the data elements of post-accident reports (PARs) for tow-away accidents involving commercial motor vehicles (CMVs) that are reported to DOT by States. The Federal Motor Carrier Safety Administration (FMCSA) chartered this working group under the Federal Advisory Committee Act as the PAR Advisory Committee. In Task 16-1, FMCSA tasked the PAR Advisory Committee with providing its review and recommendations on PAR requirements and best practices to address the FAST Act requirements. In Task 17-1, FMCSA requested that the PAR Advisory Committee provide additional recommendations on how to best accomplish the implementation of the PAR Advisory Committee’s Task 16-1 recommendations.

On April 24, 2017, the PAR Advisory Committee met to deliberate on Task 17-1 in a public meeting in Atlanta, Georgia to coincide with the Commercial Vehicle Safety Alliance (CVSA) Workshop. The attached report includes all of the PAR Advisory Committee’s recommendations and ideas relating to the implementation of its Task 16-1 recommendations, including the specific topics identified by FMCSA in Task 17-1: review of FMCSA regulatory definitions related to crash reporting, which data elements should be prioritized for inclusion on police PARs, and review of the draft Minimum Model Uniform Crash Criteria (MMUCC) implementation strategy for FMCSA’s crash data program.

On behalf of the PAR Advisory Committee, I respectfully submit this report to FMCSA for its consideration.

 Sincerely,

//signed//

Robert Mills

Chairman, Post-Accident Reporting Advisory Committee

Enclosures

**Post-Accident Reporting Advisory Committee Task 17-1:**

**Recommendations to the Agency on Implementation of the Findings of the Committee’s Report on Additional Data Elements of Post-Accident Reports Involving Commercial Motor Vehicles and Modifications That May Improve Their Use Through the Addition of Best Practices**

Introduction

Section 5306 of the Fixing America’s Surface Transportation Act (FAST Act), Pub. L. 114-94, required the Agency to convene a workgroup to review the data elements of post-accident reports (PARs) for tow-away accidents involving commercial motor vehicles (CMVs) that are reported to the U.S. Department of Transportation (DOT).

With at least 51 percent of its members representing States or State law enforcement officials, as required by the FAST Act, the PAR Advisory Committee (hereinafter “the Committee”) reviewed existing State PARs to better understand what information is collected by State and local law enforcement in relation to motor vehicle crashes and CMVs. The remainder of the membership represented industry, labor, safety advocates, and other interested parties.

The Committee presented to FMCSA its recommendations to address the FAST Act requirements in its Task 16-1 Report, which was based on the Committee’s deliberations in public meetings on December 6-7, 2016, and April 24, 2017. FMCSA is developing a plan to implement these recommendations and seeks additional recommendations from the Committee on how to best accomplish this goal.

In PAR Advisory Committee Task 17-1, the Agency directed the Committee to review and recommend ways to implement post-accident reporting requirements and to provide any relevant data or analysis relating to the following three areas:

1. Review current relevant definitions in the Code of Federal Regulations (CFR) at 49 CFR 390.5 (i.e., accident, commercial motor vehicle, etc.) and recommend any changes deemed appropriate to support the collection of additional data elements;
2. Review and prioritize the fundamental data elements being considered by FMCSA for adoption and provide recommendations to assist FMCSA to appropriately focus its data collection efforts; and
3. Review the draft Model Minimum Uniform Crash Criteria (MMUCC) implementation strategy for FMCSA’s crash data program and provide recommendations.

This report presents the recommendations of the Committee based on the workgroup deliberations in the April 24, 2017, public meeting. Along with its recommendations, the Committee has included notes from discussions that resulted in the Committee’s recommendations.

1. **Review of FMCSA Regulatory Definitions in 49 CFR 390.5**
	1. Recommendations:
		1. FMCSA should change the term “accident” to “crash.”
		2. FMCSA should adopt the American National Standards Institute (ANSI) D-16.1 (7th ed. 2007)[[1]](#footnote-1) and MMUCC 5th edition[[2]](#footnote-2) (scheduled for release in Summer 2017) definition of “crash” and then further clarify what constitutes an FMCSA-reportable crash.
		3. FMCSA should conduct a regulatory review of the terms “accident,” “crash,” and “collision” to determine if there are any unintended consequences associated with these recommendations.
	2. Discussion Notes
		1. Some Committee members indicated that the current 40 CFR 390.5 definition of “accident” is more narrow than that included in ANSI D-16.1 and MMUCC.
			1. These two documents include a broad definition of “crash” and distinguish further between reportable and non-reportable crashes.
		2. One member indicated that the use of the term “crash” rather than “accident” communicates that an incident can be avoided.
		3. A member of the public expressed concerns with the inclusion of bus fires in the definition of “accident.”
		4. Another Committee member indicated that the 40 CFR 390.5 definition of “highway” is broader than that used in the State of Maine.
2. **Review of MMUCC Implementation Strategy**
	1. Since the Committee’s December 2016 meeting, FMCSA has developed an implementation strategy for modifying its data systems to be capable of receiving from States all MMUCC data that States are able to provide.
	2. During the meeting, FMCSA technical representative Scott Valentine presented on FMCSA’s current process for collecting data from States, including working with Motor Carrier Safety Assistance Program (MCSAP) partners and FMCSA’s proposed revisions to its existing processes for data collection.
	3. Recommendations: No recommendations at this time.
3. **Prioritization of Data Elements**
	1. FMCSA requested input and feedback from the Committee on a table in which the Agency had listed relevant MMUCC data elements, noted whether the data element was a unique code currently used by FMCSA, and indicated its initial thoughts on the priority (High, Medium, or Low) of each data element.
	2. Recommendations:
		1. The Committee made recommendations about the importance of data elements, as indicated in the attached Appendix A of this report. In the last column of the table in Appendix A, the Committee indicated which elements it viewed as important or not important enough to be included on State PARs.
		2. The Committee recommended that several elements be changed to a Low priority, as indicated in the Appendix A table.
	3. Discussion Notes
		1. FMCSA has adopted all of the MMUCC but States are not required to collect all of these elements.
		2. FMCSA asked for input from the Committee as to which elements are most important to include on all PARs.
		3. A Committee member suggested that a preliminary implementation step would be to revise FMCSA systems to collect all of the High, Medium, and Low data elements. Requiring States to collect the data elements could be a next step.
			1. FMCSA clarified that prioritizing data elements will help the Agency prioritize resources when working with States to collect data elements.
		4. Elements that are High priority may be elements FMCSA requires States to collect in the future (if not already required).
		5. Elements that are listed as Low priority should not be interpreted as having no priority; rather, Low indicates a perception that there is not a readily apparent nexus between those data elements and FMCSA safety or enforcement programs.

**APPENDIX A – Post-Accident Reporting Advisory Committee Task 17-1: Review of FMCSA Preliminary Data Element Prioritization**

FMCSA provided the MMUCC data elements listed in the first column of Table A-1 below for the Committee’s consideration and prioritization. In the second column of Table A-1, FMCSA indicated whether each element is currently required by FMCSA using one of the following indicators:

* “FMCSA” – unique code used currently by FMCSA
* “Yes” – an element required currently by FMCSA
* “No” – an element not required currently by FMCSA
* “Some” – an element for which some values are required currently by FMCSA
* “Calc” – an element available from calculation
* “VIN” – an element that may be derived from a Vehicle Identification Number (VIN)

In the third column of Table A-1, FMCSA provided a preliminary prioritization of data elements, with “High” designating elements FMCSA is considering requiring on State PARs, “Medium” designating elements needed for other safety programs, and “Low” designating remaining elements that FMCSA is interested in collecting for data analysis.

FMCSA asked the Committee to provide feedback on FMCSA’s preliminary prioritization, including indicating which data elements it views as important to include on State PARs. The fourth column of Table A-1 reflects the Committee’s recommendations on which elements it views as important (or not important) data elements to include on State PARs, including notes on justification provided by the Committee. The Committee also recommended that FMCSA change several elements to a Low priority, as reflected in the fourth column of Table A-1.

**Table A-1. Committee Recommendations on FMCSA Preliminary Data Element Prioritization**

|  |  |  |  |
| --- | --- | --- | --- |
| **Crash Level Data Elements** | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| C1. Crash Identifier | FMCSA | High |  |
| C2. Crash Classification |   | High | Not Important – Element collected elsewhere. |
| C3. Crash Date and Time | Yes | High |  |
| C4. Crash County | Yes | High |  |
| C5. Crash City/Place (Political Jurisdiction) | Yes | High |   |
| C6. Crash Location  | Some | High |  |
| C7. First Harmful Event  |   | Medium | Important |
| C8. Location of First Harmful Event Relative to the Trafficway |   | Medium |  |
| C9. Manner of Crash/Collision Impact  |   | Medium | Important |
| C10. Source of Information  | Yes | High |   |
| C11. Weather Conditions  | Yes | High |  |
| C12. Light Condition  | Yes | High |  |
| C13. Roadway Surface Condition  | Yes | High |  |
| C14. Contributing Circumstances – Roadway Environment  |   | Medium |  |
| C15. Relation to Junction  |   | Low |   |
| C16. Type of Intersection  |   | Low |  |
| C17. School Bus-Related  |   | Low | Important – No changes recommended because this is already collected under the Vehicle Data Elements below.  |
| C18. Work Zone-Related (Construction/Maintenance/Utility)  |   | Medium | Important |
| C19. Crash Severity  |   | High |  |
| C20. Number of Motor Vehicles Involved  |   | High |   |
| C21. Number of Motorists  |   | High |  |
| C22. Number of Non-Motorists  |   | High |  |
| C23. Number of Non-Fatally Injured Persons  | FMCSA | High |  |
| C24. Number of Fatalities  | Yes | High |  |
| C25. Alcohol Involvement  |   | Medium | Important – No changes recommended because this is already collected under the Person Data Elements below.  |
| C26. Drug Involvement  |   | Medium | Important – No changes recommended because this is already collected under the Person Data Elements below.  |
| C27. Day of Week  |   | Low |   |
| **Vehicle Data Elements**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| V1. Vehicle Identification Number (VIN)  | Yes | High |  |
| V2. Motor Vehicle Unit Type and Number  | FMCSA, Yes | High |  |
| V3. Motor Vehicle Registration State and Year  | Yes | High |  |
| V4. Motor Vehicle License Plate Number  | Yes | High |  |
| V5. Motor Vehicle Make  |   | Medium |   |
| V6. Motor Vehicle Model Year  |   | Medium | Not Important |
| V7. Motor Vehicle Model  |   | Medium |  |
| V8. Motor Vehicle Body Type Category  | GVWR | High |  |
| V9. Total Occupants in Motor Vehicle  |   | High |  |
| V10. Special Function of Motor Vehicle in Transport  |   | High |   |
| V11. Emergency Motor Vehicle Use  |   | Low |  |
| V12. Motor Vehicle Posted/Statutory Speed Limit  |   | Low | Important |
| V13. Direction of Travel Before Crash  |   | Low |  |
| V14. Trafficway Description  | Yes | High |  |
| V15. Total Lanes in Roadway  |   | Low |   |
| V16. Roadway Alignment and Grade  |   | Low |  |
| V17. Traffic Control Device Type  |   | Low |  |
| V18. Motor Vehicle Maneuver/Action  |   | Medium |  |
| V19. Vehicle Damage  |   | Medium | Important |
| V20. Sequence of Events  | Yes | High |   |
| V21. Most Harmful Event for this Motor Vehicle  |   | High |  |
| V22. Hit and Run  |   | Medium | Important |
| V23. Towed Due to Disabling Damage  | Yes | High |  |
| V24. Contributing Circumstances, Motor Vehicle  |   | Medium |   |
| **Person Data Elements**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| Level 1: All Persons Involved  |   |  |  |
| P1. Name of Person Involved  | CMV | CMV |  |
| P2. Date of Birth  | CMV | High |  |
| P3. Sex  |   | Low |  |
| P4. Person Type  |   | High |  |
| P5. Injury Status  |   | High |   |
| Level 2: All Occupants  |   |  |  |
| P6. Occupant’s Motor Vehicle Unit Number  |   | High |  |
| P7. Seating Position  |   | Medium |  |
| P8. Restraint Systems/Motorcycle Helmet Use  |   | Medium | Important |
| P9. Air Bag Deployed  |   | Medium |  |
| P10. Ejection  |   | Medium |   |
| Level 3: All Drivers |   |  |  |
| P11. Driver License Jurisdiction  | CMV | CMV |  |
| P12. Driver License Number, Class, CDL and Endorsements  | CMV | CMV |  |
| P13. Speeding Related  |   | Medium | Important |
| P14. Driver Actions at Time of Crash  |   | Medium | Important |
| P15. Violation Codes  | FMCSA | Low |   |
| P16. Driver License Restrictions  |   | Medium |  |
| P17. Driver License Status  | CMV | High |   |
| Level 4: All Drivers and Non-Motorists  |   |  |  |
| P18. Distracted By  |   | Medium | Important |
| P19. Condition at Time of the Crash  |   | Low |  |
| P20. Law Enforcement Suspects Alcohol Use  |   | Medium | Important |
| P21. Alcohol Test  |   | Medium |  |
| P22. Law Enforcement Suspects Drug Use  |   | Medium | Important |
| P23. Drug Test  |   | Medium |   |
| Level 5: All Injured  |   |  |  |
| P24. Transported to First Medical Facility By  |   | Low |  |
| P25. Injury Area  |   | Low |  |
| P26. Injury Diagnosis  |   | Low |  |
| P27. Injury Severity  |   | Low |   |
| **Roadway Data Elements Obtained After Linkage to Other Data**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| R1. Bridge/Structure Identification Number  |   | Low |  |
| R2. Roadway Curvature  |   | Low |  |
| R3. Grade  |   | Low |  |
| R4. Part of National Highway System  |   | Low |  |
| R5. Roadway Functional Class  |   | Low | Important |
| R6. Annual Average Daily Traffic  |   | Low |  |
| R7. Widths of Lane(s) and Shoulder(s)  |   | Low |  |
| R8. Width of Median  |   | Low |  |
| R9. Access Control  | Yes | High |  |
| R10. Railway Crossing ID  |   | Low |   |
| R11. Roadway Lighting  |   | Low |  |
| R12. Pavement Markings, Longitudinal  |   | Low |  |
| R13. Presence/Type of Bicycle Facility  |   | Low |  |
| R14. Mainline Number of Lanes at Intersection  |   | Low |  |
| R15. Cross-Street Number of Lanes at Intersection  |   | Low |   |
| R16. Total Volume of Entering Vehicles  |   | Low |   |
| **Fatal Section Data Elements**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| Level 3: All Drivers |   |  |  |
| F1. Attempted Avoidance Maneuver |   | N/A | Change to Low Priority |
| Level 4: All Drivers and Non-Motorists  |   |  |  |
| F2. Alcohol Test Type and Results  |   | N/A | Change to Low Priority |
| F3. Drug Test Type and Results  |   | N/A | Change to Low Priority |
| **Large Vehicles and Hazardous Material Section** | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| Driver (s)  |   |  |  |
| LV1. CMV License Status and Compliance with CDL Endorsements  |   | High |   |
| Vehicle(s)  |   |  |  |
| LV2. Trailer License Plate Number  |   | High |  |
| LV3. Trailer VIN (s)  |   | High |  |
| LV4. Trailer Make(s) |   | High |  |
| LV5. Trailer Model(s) |   | High | Not Important |
| LV6. Trailer Model Year(s)  |   | High |  |
| LV7. Motor Carrier Identification  | Yes | High |  |
| LV8. Vehicle Configuration  | Yes, Additional | High |   |
| Vehicle Configurations  |   |  |  |
| LV9. Cargo Body Type | Yes | High |   |
| FMCSA Cargo Body Types |   |  |  |
| LV10. Hazardous Materials (Cargo Only)  | Yes | High |   |
| Reporting Hazardous Materials Information |   |  |  |
| LV11. Total Number of Axles  |   | High |   |
| **Non-Motorist Section Data Elements**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| NM1. Unit Number of Motor Vehicle Striking Non-Motorist  |   | Low |  |
| NM2. Non-Motorist Action/Circumstance Prior to Crash  |   | Low |  |
| NM3. Non-Motorist Contributing Action(s)/Circumstances(s)  |   | Low |  |
| NM4. Non-Motorist Location at Time of Crash  |   | Low |  |
| NM5. Non-Motorist Safety Equipment  |   | Low |   |
| NM6. Initial Contact Point on Non-Motorist  |   | Low |   |
| **Dynamic Data Elements**  | **Current Requirements** | **FMCSA Proposed Priority** | **Committee Recommendation** |
| Motor Vehicle Automation  |   |  |  |
| DV1. Motor Vehicle Driving Automation System(s)  |   | Medium |   |

1. Manual on Classification of Motor Vehicle Traffic Accidents, ANSI D16.1 (7th ed. 2007), *available at* <http://www.autosafety.org/wp-content/uploads/import/ANSI%20D16.1-2007%20-%20Manual%20on%20Classification%20of%20Motor%20Vehicle%20Traffic%20Accidents.pdf> (last accessed Apr. 28, 2017). [↑](#footnote-ref-1)
2. See U.S. Department of Transportation, Model Minimum Uniform Crash Criteria, <https://cms.dot.gov/government/traffic-records/model-minimum-uniform-crash-criteria-mmucc-0> (last accessed Apr. 28, 2017). [↑](#footnote-ref-2)